

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCE

In Re Application of: Thomas S. Abbott

Serial No.: 09/663,661

Examiner: Sager, Mark

Filing Date: 15 September 2000

Art Unit: 3714

Invention: REEL GAME REQUIRING SKILL TO WIN

Appeal No.:

November 10, 2004

Board of Patent Appeals and Interferences
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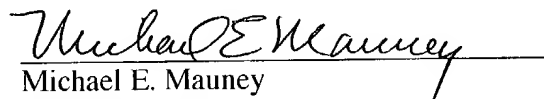
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Re: Appeal

Dear Sir or Madam:

In accordance with current practice, enclosed is a Brief in the Appeal of Thomas S. Abbott, Serial #09/663,661. Also enclosed is a check for one hundred and seventy dollars (\$170.00), the cost for filing a Brief for a small entity. Also enclosed is a Return Receipt postcard. Please stamp the postcard showing the date the Brief was received and return it to me. If anything further is required from me, please notify me immediately. Thank you very much for your attention to this.

This the 10 day of Nov., 2004.


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BRIEF OF THE APPELLANT

This is an Appeal from a final rejection dated May 18, 2004 rejecting Claims 1-19 and Claims 26-35. Claims 20-25 were allowed in this final Office Action. This Brief is accompanied by the requisite fee as set forth in Section 1.117(f).

REAL PARTY IN INTEREST

The Real Party in Interest is the Applicant, Thomas S. Abbott.

RELATED APPEALS AND INTERFERENCE

There are no related Appeals or Interference that will directly affect or be affected by the Board's decision in this pending Appeal.

STATUS OF CLAIMS

This application was filed on September 15, 2000 with thirty-five claims in the application including three independent claims (Claims 1, 10, and 26). In the Examiner's first Office Action, Claims 1-2, 10-11, and 26-27 were rejected under 35 U.S.C. 102(e) as being anticipated by Nolte

et al., U.S. Patent #6,165,070. Claims 3-9, 12-25, and 28-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nolte in view of Sakamoto, U.S. Patent #6,306,034. Applicant responded on June 5, 2002 to this rejection by advancing arguments in favor of the patentability of the claims. On August 1, 2002, Examiner entered a final rejection of all claims. Claims 1-2, 10-11, and 26-27 were again rejected under 35 U.S.C. 102(e) as being anticipated by Nolte. Claims 3-9, 12-25, and 28-35 were rejected in combination under 35 U.S.C. 103(a) and in the combination of Nolte in view of Sakamoto.

Applicant responded with a Continued Prosecution Application dated October 23, 2002. Applicant amended Claims 1, 10, and 26. In a first Office Action dated December 16, 2002, Claims 10-11 and 26-27 were rejected under 35 U.S.C. 102(e) as being anticipated by Nolte. Claims 1-2 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Nolte in view of Takemoto, U.S. Patent #6,004,208. Claims 3-9 were rejected under 35 U.S.C. 103(a) in view of the combination of Nolte, Takemoto, and Sakamoto. Claims 12-25 and 28-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Nolte and Sakamoto. Applicant responded on March 17, 2003 to the rejection in the December 16, 2002 Office Action. In that response, Applicant amended Claims 1, 2, 3, 8, 10, 11, 12, 21, 26, 27, 28, and 32 and responded with arguments to the claim rejections. The Examiner responded in a final Office Action on June 1, 2003 by rejecting Claims 1-19 and 26-35. The Examiner indicated Claims 20-25 were allowable if rewritten in independent form, including all the limitations of the base claims and any intervening claims. The Examiner rejected Claims 1-3, 10-13, and 26-27 as being anticipated by a new reference, Sakamoto, U.S. Patent #6,315,663. Examiner rejected Claims 4-9, 13-19, and 28-35 as being unpatentable over Sakamoto '663 in view of Nolte.

Applicant responded with a Request for Continued Examination dated September 26, 2003. Applicant amended Claims 10, 11, 12, 23, 25, 26, and 27. The Applicant reserved the right to traverse the Sakamoto '663 reference as prior art for this application. Applicant also advanced arguments in favor of allowing the application to pass to issue. The Examiner responded to the Request for Continued Examination in a first Office Action dated October 31, 2003. Claims 1, 10, and 26 were rejected under 35 U.S.C. 102(e) as being anticipated by Sakamoto '663. Claims 2, 11,

and 27 were rejected Sakamoto '663 in view of Nolte. Claims 3-9, 12-19, and 28-35 were rejected under 35 U.S.C. 103(a) in view of the combination of Sakamoto '663 in view of Nolte and in view of Bennett, U.S. Patent #6,190,254. Applicant responded on March 1, 2004 to the first Office Action of the Examiner by amending Claims 1, 10, and 26 and advancing arguments in favor of the viability of the claims as amended. On May 18, 2004 the Examiner finally rejected Claims 1-19 and 26-35. Claims 1, 10, and 26 were rejected under 102(e) as being anticipated by Sakamoto '663. Claims 2, 11, and 27 were rejected under 103(a) over the combination of Sakamoto '663 and Nolte. Claims 3-9, 12-19, and 28-35 were rejected as being unpatentable over Sakamoto '663 in view of Nolte and Bennett. Applicant responded to this final rejection by entering the instant appeal on September 16, 2004.

The current status of claims as set out in the Examiner's last Office Action with a mailing date of May 18, 2004 is as follows:

Claims objected to - none.

Claims allowed if amended to include limitations of base claim and intervening Claims - 20-25.

Claims finally rejected - Claims 1, 10, and 26 were rejected under 35 U.S.C. 102(e).

Claims 2-9, 11-19, and 27-35 were rejected under 35 U.S.C. 103(a).

STATUS OF THE AMENDMENTS

All amendments offered by the Applicant have been entered by the Examiner and there are no pending amendments. Claims set out in the Appendix include all entered amendments.

SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1, 10, and 26 are independent claims. The explanation of the subject matter defined for each of these independent claims will be given first. Thereafter, dependent claims, which are argued separately, will have an explanation.

Where appropriate the specification will be referred to by page and line number. The drawings will be referred to by page number and by reference characters. For clarity, the specification headings and titles will not be counted in determining line numbers.

CLAIM ONE

Claim 1 is a skill game apparatus requiring (a) a plurality of reels. The reels are generally described at page 9, line 6 through page 10, line 15. The reels are generally shown in Figure 1, numbers 41, 42, and 43 and in Figure 2, numbers 41, 42, and 43. At least two reels will be required (page 9, line 6). On each reel there are (b) a plurality of predetermined fixed symbols (page 9, line 7-8). In the preferred embodiment, these symbols consist of visual depictions of common objects, such as fruits (page 9, line 8-10). There is also a requirement for (c) a "means for" displaying a portion of the plurality of reels. In the preferred embodiment, this is a video display (20), seen in Figures 1 and 2. However, the reels themselves need not be electronically displayed but could be mechanical (page 10, lines 13-15). The "means for" displaying is constrained so that at least two full symbols for each of the reels may be visually perceived by a player (page 10, lines 16-20). The preferred embodiment uses a cathode ray tube controlled by a central processing unit (page 26, lines 20-21). There are (d) "means for" rotating each reel. The "means for" rotating in the preferred embodiment is reprojecting symbols on a CRT tube. Apparent rotation of the reel for a CRT tube is described in detail beginning on page 27, lines 1-13 and is demonstrated in Figure 5.

Each reel has (e) a player controlled stop. This is described generally in the application on page 10, lines 16-20 and page 11, lines 1-19. For the preferred embodiment shown in Figure 1, for each reel (41, 42, 43) there are respectively stop buttons (21, 22, 23). For each reel, there is a "freeze frame" or (f) pre-determined location. It is the object of the game to stop a symbol in the pre-determined location or freeze frame (page 11, lines 6-7). In Figure 2, the freeze frame is denoted for reel (41) by (102), for reel (42) by (105), and for reel (43) by (108). It is the object of the game to press the stop button in matter that times the rotation of the symbols so that a symbol stops in the freeze frame (page 12, lines 6-19).

Claim 1 next requires (g) a "means for" determining if a symbol of said two full symbols is stopped within the predetermined location or freeze frame. In the preferred embodiment, this is done by a central processing unit as is described in the application on page 12, lines 3-12.

Next, there is (h) a results table. This is generally shown as the winning combinations with

pay-outs in Figure 3. As is explained on page 17 beginning on line 11, the results table in Figure 3 is simply one example. There could be wide variations depending on the environment in which the game is placed. Variations in the results table and the effects it could have on the strategy of the game are described beginning on page 18, line 2 and extending through page 19, line 13.

For Claim 1, subject matter defined is a rotating reel based game. At least two reels are employed, each reel having a number of fixed symbols randomly distributed on each of the reels. The reels rotate where a portion of the reels are displayed to a player. The player can stop the rotation of the reels. If the player successfully stops the rotation of the reels, so that a symbol stops in a pre-determined location or freeze frame, the player may win the game based on the results table. This game is distinguished from a slot machine. However, there are similarities. A slot machine has a number of rotating reels. The player initiates rotation of the reels by pulling the handle of the slot machine. Symbols rotate and stop in a particular place in a slot machine and a player may win a payoff based on what symbols have stopped in the pre-determined location. However, unlike a slot machine, here the skill of the game is based on timing the pressing of the stop button so that the player controls what symbol will stop in the freeze frame (Application, lines 6-19). In Claim 1, at least two full symbols must be visually perceived by the player (Claim 1(c)) and the player control stop must act to "effectively immediately" stop the rotation of the reels (Claim 1(e)).

CLAIM 10

Claim 10 requires an electronic video based apparatus simulating a rotating reel game. Claim 10 more specifically directed toward the preferred embodiment. It requires (a) means for displaying on a video screen a plurality of reels. The means for displaying is described in the application on page 15, lines 19-20. The video display is seen in Figure 2. Claim 10 requires (b) "means for" making the plurality of reels appear to rotate. This is generally described in the application on page 26, beginning at line 18 and extending through page 27, line 13. There must be (c) "means for" displaying a plurality of pre-determined fixed symbols. This display is generally described on page 22, beginning on line 4 and extending through page 23, line 13. Figure 2 displays the reel (41, 42, and 43). Shown displayed in the reels (41, 42, and 43) are fruit symbols in Figure 2 (page 16, lines 4-9). There are (d) means to effectively stop the apparent rotation of the

reels. These are the respective stop buttons (21 for reel 41; 22 for reel 42; and 23 for reel 43) (page 18, line 9-11). Figure 1 shows stop buttons (21, 22, and 23) with reels (41, 42, and 43) on the visual display (20). Next, Claim 10 requires (e) means for determining a pre-determined fixed symbol, is stopped within a pre-determined location on the video screen. This is generally described on page 27, lines 14 to page 28, line 3. Finally, Claim 10 requires (f) means for determining results. Again, this is shown in Figure 3, category 6, the results table, although there could be wide variations in the pay-out depending on the environment in which the game is located (Application page 17, line 11 through page 19, line 13).

Claim 10 more specifically claims a video based, as opposed to a mechanical reel based variation of the Applicant's invention, which requires skill and timing to use the player controlled stops to stop a symbol within a pre-determined location or freeze frame. The operation of the game and of the skill required of the players is generally described beginning on page 27, line 14 through page 29, line 14.

CLAIM 26

Claim 26 is a method for playing the game using the game apparatus of Claim 1 or of Claim 10. Consequently, the explanation for Claim 26, regarding what is disclosed in the application, is the same as that for Claim 1 or Claim 10.

CLAIMS 2, 11, and 27

These dependent claims add a requirement that there be at least 1/10 of a second to use the player controlled stop to stop the rotation of the reels. The importance of this is explained in the application on page 28, lines 4-8. The 1/10 of a second is approximately the fastest reaction time the player could be expected to have. Any time interval significantly shorter than 1/10 of a second will reduce the game from one of skill to one of chance.

CLAIMS 3, 12, and 28

Claims 3, 12, and 28 add the requirement that a bonus symbol is displayed prior to the beginning of the rotating of the reels, hence the play of the game. The results table or means for

determining the results provides increased results when the symbols stop in the "freeze frame" match the symbol in the bonus window. This affects the game strategy and is described on page 13, lines 4-14 and on page 19 beginning at line 14 to page 20 at line 9.

CLAIMS 4, 13, and 29

Claims 4, 13, and 29 add a requirement that the total number of the plurality of pre-determined fixed symbols are the same for each reel. This is described in the application on page 22, lines 4-21.

CLAIMS 5, 14, and 29

Claims 5 and 14 add to the requirements of Claims 4 and 13 adds the requirement that the symbols on each reel have the same number and same kind of symbols. This is described specifically in the application on page 22, lines 18-20.

CLAIMS 6, 15, and 30

Claims 6, 15, and 30 add a requirement of a timer for the game "times out" so that if a player does not initiate the stops during a particular time, the game starts over. The importance of this to the game is described on page 25, lines 9-17. If a player could observe the reels indefinitely without be required to play the game, the player could memorize the order of the reels. While it is desirable the player have some ability to memorize the reels, it would make the game too easy for quick players if there was never a "times out."

CLAIMS 7 and 16

Claims 7 and 16 is described in the application on page 18, lines 19-24. Unlike chance games where symbols will always stop in the "freeze frame", here the player must press the stop button successfully in order to stop any symbol in the freeze frame. Unlike slot machines, a player cannot let the machine play the game.

CLAIMS 8 and 32

Claims 8 and 32 add a "bonus round." (Claim 21 also adds this limitation but was

deemed patentable by the Examiner). The bonus round is generally shown in Figure 4. It is described beginning on page 20 at line 14 extending through page 21 line 18. The higher pay-outs in the bonus round both affect the strategy of the play of the game and also encourage longer periods of play of game by a player.

CLAIM 9

The patentability of Claim 9 stands or falls upon the patentability of Claim 8 and is grouped with Claim 8 for the purposes of this argument.

CLAIMS 17, 18, 19, and 31

Claims 17, 18, and 19 take advantage of capabilities of an electronic based video apparatus of Claim 10. Claims 7 and 31 provide for a shuffling of the symbols on the reel displays. Why a shuffle may be necessary is described on page 23, lines 1-13. Claim 18 constrains the shuffling so that no more than two of any symbol will be in succession on a reel. The importance of this is described in the application on page 24, lines 5-11. Claim 19 addresses the frequency of the shuffle. This is also described on page 23, lines 1-13, more specifically, lines 6-13.

CLAIMS 33, 34, and 35

Claims 33, 34, and 35 further claim the "bonus round" as generally shown in Figure 4. This operation is described in the application beginning on page 20, line 10 and extending through page 21, line 15. The timing requirements of Claims 34 and 35 are generally explained for Figure 5, although in a different context. The timing is described in the application on page 28, beginning on line 4 and extending through line 20.

GROUND FOR REJECTION TO BE REVIEWED ON APPEAL

The grounds for rejection of some claims is left unclear by the Examiner's last Office Action. It is clear that Claims 1, 10, and 26 were rejected under 35 U.S.C. 102(e) as being anticipated by Sakamoto (U.S. Patent #6,315,663). It is also clear that Claims 2, 11, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto in view of Nolte et al. (U.S. Patent #6,165,170). It is also clear that Claims 3-9, 12-19, and 28-35 were rejected under 35 U.S.C.

103(a) as being unpatentable over Sakamoto in view of Nolte et al. and further in view of Bennett (U.S. Patent #6,190,254).

However, grounds for rejection for Claims 2, 3, 11, 12, and 27 are also apparently rejected under 35 U.S.C. 102(e) as being anticipated by Sakamoto. However, the stated basis for rejecting these claims in the section of the Examiner's Office Action headed "Claim Rejections - 35 U.S.C. 102" is apparently contradicted by language used in the section headed "Claim Rejections - 35 U.S.C. 103."

For Claim 2 on page 3 of the 102(e) rejection of the Examiner's Office Action, the Examiner states in paragraph 2 that: "Sakamoto discloses an electronic video apparatus wherein the means to stop allows a player at least 1/10 of a second to use the means to stop the symbol (1:44-52)." However, on page 4 of the 103 rejection of the application in paragraph 2, the Examiner says: "Referring to Claims 2, 11, and 27, Sakamoto discloses a means for rotating each of the reels but does not specifically disclose the time interval to enact the player controlled stop to stop at each symbol." Consequently, in one section of the Examiner's Office Action, he reasons that Sakamoto discloses the 1/10 of a second requirement imposed by Claims 2, 11, and 27, but in another section of the Examiner's Office Action he contradicts his own conclusion. Likewise, in the 102(e) rejection referring to Claims 3 and 12 on page 3, the Examiner reasons that Sakamoto is a 102 reference because "Sakamoto discloses a bonus window that displays one of the plurality of pre-determined fixed symbols (4:65-5:11)", but on page 4 of the 103 rejection in the last paragraph, the Examiner reasons that Sakamoto "... does not disclose having a bonus window randomly displaying one plurality of pre-determined fixed symbols prior to the play of the game."

In the argument portion of this Brief, the Applicant will discuss Sakamoto as both a 102 reference for these claims and the 103 combinations used by the Examiner for Sakamoto and/or Nolte and/or Bennett as references for rejecting these same claims.

ARGUMENT

The Examiner uses the Sakamoto electronic video game apparatus, U. S. Patent #6,315,663, as a 102(e) rejection for Claims 1, 10, and 26. The Applicant has traversed the Sakamoto reference as a 102(e) reference and reserves the right to show a date of invention and due diligence before the effective filing date of the Sakamoto reference. However, assuming the Sakamoto '663 qualifies as a potential 102(e) reference, it still fails to anticipate the Applicant's invention. The Sakamoto '663 reference is the foundation of the Examiner's rejections. If the Applicant overcomes the rejection for Claims 1, 10, and 26, the remainder of the claims must necessarily also be allowable. Consequently, the Sakamoto reference is worth considering in some detail.

The Sakamoto invention is designed to overcome a shortcoming in conventional "pachi-slot" machines (Sakamoto, Column 1, line 39). For a pachi-slot type of game, Japanese law constrains that the stop instructions stop a rotating reel: "... after a pre-determined time, e.g., 190 msec determined by existing Japanese law, has passed since the stop instructions were respectively generated." (Column 1, lines 49-52). The Sakamoto patent goes on to explain: "When the player pushes the stop button to issue a stop instruction, the corresponding reel cannot stop rotating in the moment but decelerates and keeps rotating to make the symbol shifted in one-way direction by the pre-determined number of symbols until the reel completely stops rotating. The number of shifting symbols is restricted within a pre-determined number, e.g., 5 pieces of symbols." (Column 1, lines 63-37; Column 2, lines 1-3). Thus in Sakamoto there is a built in predetermined delay between the pushing of the stop button and the stopping of the rotation of the reels. A predetermined number of symbols must rotate or shift (e.g. 5) before the reel stops. Sakamoto explains that a player learns the arrangements of the symbols on a reel by memory, which allowed a player to use the stop instructions by taking into account the degree of deceleration of the reel and the number of shifting symbols. The disadvantage of this conventional pachi-slot machine, which the Sakamoto invention is designed to address, is that once a player has missed bringing the desired symbol to a standstill on the winning line, the player loses a chance of winning the prize if the rotation of the reel has been decelerated to a low speed inadequate to make the symbol come full circle because of the one-way rotation of the reels. The player can judge there is no chance in winning the prize and loses interest in the game (Column 2,

lines 16-28). In the Sakamoto game the scrolling direction of the reels are reversed. The effect of the Sakamoto invention is to simply reverse the rotation of the reels after a predetermined waiting time after stop instructions are received so that as a winning symbol rotates pass the pre-determined winning point, there is a possibility the reels may reverse rotation to bring the winning symbol back to the winning location, thus, engaging a player's interest longer than would be the case otherwise. (Sakamoto Column 3, line 4) Thus, the Sakamoto patent addresses a problem created by the time lag required of the Japanese law requiring the 190 msec time lapse. The Sakamoto invention is simply a conventional pachi-slot game with the added feature of the direction of the rotation the reels may shift. Any failure of a desired symbol to stop in a desired location does not guarantee a loss to the player until all reels have finished their rotation.

102(e) REJECTIONS - CLAIMS 1, 10, 26

The Examiner reasons that the Sakamoto reference discloses a plurality of reels, which appear to rotate, displaying on the reels a plurality of full symbols of pre-determined fixed symbols, for each plurality of reels means to stop the apparent rotation of the reels the means to stop control by the player. For this conclusion, the Examiner references Column 3, lines 34-36. What the Sakamoto reference actually states on lines 33-36 is that: "The above game machine may further comprise inputting means for allowing the players to input stop instructions in the game machine." (Emphasis added). However, as was made clear earlier, under Japanese law the inputting of the stop instructions does not effectively immediately stop the rotation of the reels as is required in Claims 1, 10, and 26 of the current application, but rather there is a pre-determined delay imposed by law (190 msec) before the stop instructions are actually generated. In fact, in the Sakamoto patent the operation of the stop instructions may result in reversing the direction of the reels rotation (Column 4, lines 13-24) but only after a predetermined waiting time (Column 3, line 4). Thus, the Sakamoto reference teaches that when the stop instructions are received, the machine begins to bring the symbols to a stop then shifts symbol arrangements following the pre-determined waiting time after the stop instructions are received. Then, the scrolls move in different directions (Column 4, lines 6-25). Consequently, while a player may input stop instructions, the game does not require a player to input stop instructions and such stop instructions do not actually stop the rotation of the reel at the time they are generated. The stopping of the reel rotation is

determined by the shifting means that is operated to determine the number of shifting symbols for each symbol arrangement on the basis of a pre-determined game condition (Column 3, lines 20-26).

Thus the Sakamoto patent cannot be a 102 reference for Claims 1, 10, and 26. For each of these claims, a player sees a symbol (Claim 1(c), Claim 10(c), Claim 26(c)), uses a player controlled stop to effectively immediately stop the perceived symbol (Claim 1(c), Claim 10(d), Claim 26(d)) in the predetermined location (Freeze frame) (Claim 1(f) and (9), Claim 10(c), Claim 26(c)). The Sakamoto reference requires a predetermined delay between the time the stop instructions are given and the time they actually stop the reel rotation. Any symbol visible on the screen in Sakamoto when the stop instruction is generated rotates out of view before the stop instructions take effect, necessitating the shifting of the reel rotation.

The Examiner goes on to reason that there are: “means for determining whether player has used the means to stop so that at least one of the pre-determined fixed symbols is stopped within a pre-determined location on the video screen. (Column 4, lines 61-63 shows that a shifting symbol has the ability to be restricted within a pre-determined number, for example five symbols which correlate to any symbol less than five symbols).” This statement of the Examiner is not a model of clarity. The Applicant will respond as this statement is best understood. First, there is a player controlled stop in Sakamoto but it doesn't stop any symbol visually perceived at the time the stop instruction is generated. The 190 msec time delay assures that symbols then visible in the display shown in Figure 1 will rotate out of sight. Otherwise, there would be no need to shift the direction of the reel rotation to maintain player interest (the main object of the Sakamoto invention). Apparently the examiner is reasoning that a predetermined number of symbols “e.g. 5” can be any number less than 5, even 0 (zero). However, if this is the conclusion of the examiner, it ignores the requirement for a predetermined time delay between the generating of the stop instructions and the stopping of the reel rotation. If the reels are moving and there is an appreciable time delay then the symbols will shift a predetermined number “e.g. 5”. Thus, no visually perceived symbol can be effectively immediately stopped in the predetermined location (freeze frame). Thus Sakamoto is not a 102 reference for Claims 1, 10 and 26.

102 REJECTIONS - CLAIMS 11-12, CLAIMS 2-3, CLAIMS 26-27

Although the examiner's heading refers only to rejections of Claims 1, 10 and 26 on the basis of 102, the examiner uses language apparently drawn from an earlier office action to also reject Claims 11-12, 2-3, 26-27. This repeated language is contradicted by the examiner's reasoning in the final office action in the section entitled "Claim Rejections - 35 USC 103". Consequently, this language may only represent a failure of the examiner to delete it from his office action. However, the applicant will address these rejections.

Regarding Claims 2, 11, and 26 the examiner states, "Sakamoto discloses an electronic video based apparatus wherein the means to stop allows a player at least one-tenth of a second to use the means to stop the symbol (1:44-52)." This section of the Sakamoto patent means exactly the opposite of the interpretation given by the examiner. The 190 msec referenced in this portion of the Sakamoto reference is not time given to a player to visually perceive a symbol to press a stop button in response to that visual perception and to stop a symbol in a particular location. Rather, the Sakamoto reference explains this is the minimum delay imposed by law between a stop instruction is generated and the time the reel stops rotation. As is explained in the Sakamoto reference when a stop instruction is generated, the reel does not stop immediately or "in a moment" (Column 1, line 65). Rather, the reel gradually decelerates and the symbols shift by predetermined number of symbols "e.g. 5". The 190 msec, or predetermined time delay assures that there will be a shifting of symbols so that the visually perceived symbols will rotate out of the view of the players and the symbols that may stop in a winning location are not the symbols visually perceived by a player when the stop button or stop instruction is generated. This is exactly the opposite of the meaning of the one-tenth of a second provided to a player of the current invention - to see a symbol, press the stop button and have that symbol stop in the freeze frame. This minimum time of one-tenth of a second is approximately the reaction time for a young, fast individual (application page 26, lines 12-17). In the preferred embodiment, the actual time a player has is substantially longer than the minimum time of Claim 2, lines 11 and 27. The preferred embodiment allows .215 seconds for a player to press the stop button to freeze the symbol within the freeze frame (application page 28, lines 1-3). Therefore, the conclusion that regards Claims 11, 27, and 2 that Sakamoto discloses "... the means to stop allows a player at least one-tenth of a second to use the means to stop the symbol

(1:44-52)” simply misunderstands the Sakamoto reference.

102(e) CLAIMS 3 and 12

The examiner states that Sakamoto discloses a bonus window that displays one of the plurality predetermined fixed symbols (4:65-5:11). It is conceded that one or more chance games such as the Sakamoto game discloses a bonus window. What is claimed in Claims 3 and 12, requires more than simple display of a bonus symbol. First, the display of the bonus symbol must occur prior to activating the means for displaying the plurality of reels, and, second, the means for determining results provides a better or increased results when a bonus symbol is stopped within a predetermined location by said player. Because the Sakamoto game is not a skill game to start with, the bonus symbol does not affect the strategy of playing the game. In this invention, the bonus not only encourages longer play of the game, but within the play of any single game may present the player with strategic choices adding greatly to the skill required to play the game well. These strategic choices are described at various points in the application - most specifically on page 13, lines 4 through 14. The Sakamoto reference does not disclose a display bonus window that must occur prior to the activating of the means for displaying a plurality of reels, nor does the Sakamoto reference disclose the ability of a player to stop a particular symbol, matching a bonus symbol within a pre-determined location. Consequently, it cannot be a 102 reference for Claims 3 and 12.

CLAIMS REJECTIONS - 35 U.S.C. 103

103 REJECTIONS - CLAIMS 2, 11, and 27

Regarding Claims 2, 11, and 27, the Examiner reasons that Sakamoto discloses the means for rotating a reel but “... does not specifically disclose the time interval to enact the player controlled stop to stop at each symbol.” The Examiner then reasons that Nolte U. S. Patent #6,165,070 discloses a variable time interval to use a player controlled stop (Column 9, lines 29-34), wherein the signal can be time based upon the casino’s preferences.

This combination of the Examiner both misunderstands the Nolte patent and uses the teaching of the Applicant’s invention for motivation to combine the Nolte reference with the Sakamoto reference. This is prohibited hindsight reconstruction.

To highlight the differences between the Applicant's game and the Nolte game, consider a hypothetical fast player with a reaction time of less than 1/10 of a second. In Claims 2, 11, and 27 this hypothetical player is allowed at least 1/10 of a second to respond to a visually perceived symbol, to press the stop button to stop that visually perceived symbol in the freeze frame. A hypothetical fast player with a reaction time faster than 1/10 of second could potentially always win the Applicant's game since the symbol may be viewed, perceived, and the stop button pressed to stop that particular perceived symbol in the pre-determined location within the hypothetical player's reaction time. The Nolte patent is written in a fashion that obscures the actual function of the device, perhaps deliberately, since it is not a skill based game in the same way the Applicant's game is a skill based game. Nolte explains in Column 5, lines 54-56, that it is critical that only a single icon be fully displayed in any particular moment in the grid shown in Figure 3A. The importance of this limited display of the symbols becomes apparent when one considers the written description of the Nolte's Figure 5 beginning in Column 12, line 62 and extending through Column 13, line 45 of the Nolte patent. When the Nolte stop button is pressed, there is a built-in time delay before the rotation of the reels stops. This time delay is constrained to include time for at least two symbols to move through the display window (Column 13, lines 34-37). In Nolte, just as in Sakamoto, pressing the stop button means that no symbol visually perceived at the time the stop button is pressed can actually be stopped in a winning location by a player. That is, assuming a perfect player with instantaneous reflexes, who perceives a symbol beginning to emerge at the top of the Nolte reel, and then instantaneously and with perfect timing presses the stop button, will still be unable to stop that symbol in a winning location because the built-in time delay means that that symbol will rotate through the winning location and out of view of the screen before the rotation of the reel is actually stopped.

The Examiner uses Nolte, Column 9, lines 29-34 for the proposition that: "Nolte discloses using a variable time interval to use a player controlled stop." In fact, this portion of Nolte is not explaining how a player selects an icon but rather defines what is meant by a selected icon. In its entirety, this portion of the Nolte patent reads as follows: "As used herein, an operator selects a particular icon when he or she stops a rotating cylinder (as illustrated in

particular grid) and the so-called "selected icon" is the icon which is fully displayed in the visually delineated grid 30-38." Here, Nolte is defining a "selected icon" as one that stops in the appropriate place in the grid. This does not mean that the player selected this by some skillful action the player took. All this passage means is that whatever symbol stops in the appropriate place in the grid is by definition the "selected icon." In the Nolte game, some icon always stops in the appropriate grid, hence, there is always a "selected icon." A player could randomly push the stop button which would result in a "selected icon" with or without any skill.

The Examiner goes on to conclude that: "One would be motivated to provide a variable time interval for a player controlled stop in order to have the ability to reprogram the game machine to increase the complexity and diversity of the slot machine program (1:47-50)." The Nolte reference, rather than suggesting a 1/10 of a second time interval provided here for a skillful player to win the game, teaches away from a combination made by the Examiner. In fact, the Nolte reference, as explained above, has a built-in time delay, which means that no symbol visually perceived by a player at the time the stop button is pressed will be a "selected symbol."

In response to the Argument section of the Examiner's final Office Action, the Examiner makes some statements about timing. More specifically, the Examiner references the Nolte patent, Column 12, lines 56-61, which disclose that 27 icons take 4.5 seconds to cycle through. The Examiner divides 4.5 seconds by 27 icons to conclude that: "... equates to .1667 seconds per icon in order to stop the icon on the pay line." This conclusion of the Examiner ignores the disclosure of the Nolte patent beginning in Column 12, line 62 and extending through Column 13, line 45. Nolte explains, beginning in Column 13, line 34, there is a time delay where two video images will rotate through from the time the stop button (T2) is pressed until the video stop time (T3). Because less than two full images are displayed on the Nolte screen (Column 2, lines 30-34), this means that in the Nolte patent no symbol visually perceived by a player can be stopped could be a "selected icon." There is a built-in time delay in the Nolte reference which assures that no visually perceived icon can be stopped in a winning location, thus Nolte teaches away from the limitations of Claims 2, 11, and 27 that a player has at least 1/10 of a second to respond to a visually perceived symbol to stop that symbol in a winning location. Both the Nolte and Sakamoto

patents have a built-in time delay, so that no visually perceived symbol can be stopped in a winning location. Both teach away from this invention and combining them does nothing to overcome the deficiencies of these references taken singly and there is no motivation to combine them absent the teaching of this invention.

CLAIMS 3, 12, and 28

Claims 3, 12, and 28 each add a bonus window displaying one plurality of pre-determined fixed symbols. The display in the bonus window occurs prior to the initiating of the rotation of the reels. This gives the player the opportunity of using the player controlled stops to attempt to stop the bonus window displayed symbol in a pre-determined location. The Examiner acknowledges that Sakamoto and Nolte do not disclose a bonus window randomly displaying one of the plurality of pre-determined fixed symbols prior to the play of the game. However, the Examiner goes on to state: "However, Bennett (U. S. Patent #6,190,254) displays a bonus window randomly displaying one of a plurality of pre-determined symbols (Abstract 2:18-26) that increase results in order to add interest to the existing game (1:10-15)", concluding that: "... it would have been obvious to one having ordinary skill in the art at the time invention was made to incorporate the bonus window feature of Bennett into the gaming device of Sakamoto in view of Nolte in order to add interest to the existing games."

The Bennett reference is simply a slot machine that randomly displays selected symbols. There is no skill involved in the Bennett game (Column 1, lines 59-65). However, the Bennett game adds a special symbol display, which adds to the potentiality of winning combinations (Column 1, line 66 to Column 2, line 5). The Bennett reference does not disclose or suggest why the special symbol should be displayed before the rotation of the reels. As was explained in the 102(e) section regarding Claims 3 and 12 and also for Claim 27, the display of the bonus symbol must occur prior to the activating of the display of the reels. Second, the means for determining the results provides increased results when a bonus symbol is stopped within a pre-determined location "by said player." Because this is a skill game, unlike Sakamoto, Nolte, or Bennett, the bonus symbol adds to the strategic play of the game and forces the player to make particular choices depending upon what, if any, symbol is stopped in the freeze frame in the first reel. This is

explained in the application on page 13, lines 4-14. The Bennett reference does nothing to remedy the essential deficiencies of the Sakamoto or Nolte references regarding the use of a bonus window or symbol to increase the strategy required for a winning combination by a player. The Bennett reference does nothing to disclose why it is important or necessary that the bonus symbol be displayed before the activation of the rotation of the reels. Consequently, adding Bennett to Nolte and Sakamoto do nothing to remedy the essential deficiencies of Nolte and Sakamoto and Claims 3, 12, and 28 are not rendered obvious by the combination as argued by the Examiner.

CLAIMS 4, 5, 13, 14, and 29

Claims 4, 5, 13, 14, and 29 have requirements regarding the type of pre-determined fixed symbols for each reel. These additional claim limitations require that there be for each reel the same number and kind of symbols with the same numerical distribution on each reel. The distribution of symbols in this fashion are known in the art for random games, such as is described for Bennett or for a slot machine. Consequently, for the purposes of the argument, these claims will be grouped with Claims 3, 12, and 28 regarding the patentability of these claims. However, when combined with the additional limitation added in Claims 6, 15, and 30, new patentable subject matter is disclosed.

CLAIMS 6, 15, and 30

Claims 6, 15, and 30 add a requirement for the timer, so that the game times out. This means if a player does not play the game in a certain period of time as determined by the timer, then the game starts over. The importance of this is described on page 25, lines 9-17. This "times out" limitation is important in the context of the skill game of this invention. If a player could observe the reels indefinitely without being required to play the game, the player could memorize the order of symbols on the reels. This would make it easier for a player to time the pressing of the stop button to stop a desired symbol in the pre-determined location or freeze frame. While it is desirable to add some degree of memory to the game which will reward players who do remember the order of the reels, it is undesirable both from an interest of the play in the game and for commercial reasons to allow this memorization process to go on indefinitely. Consequently, because of the skill element in the game, the addition of a "times out" function, as claimed in Claims 6, 15, and 30, add a new dimension to the skill required of a player.

The Examiner, in reference to Claim 6 and also for the remaining claims that adds the "time out" feature, states that: "Nolte also discloses the prior art contains a time out that forces the player to select the stop button." This reference both misunderstands the reason a "times out" is added to the current invention and misunderstands the function of the "times out" in the current invention. Here, the player is not forced to press the stop button, but rather the order of the symbols on the reels are shuffled. This prevents memorization (Application page 25, lines 14-16). Unlike the Nolte statement regarding prior art, the failure of a player to press a stop button during a particular time only means that the game is played again without any further contribution of money from a player. Consequently, the Nolte statement used by the Examiner regarding the prior art still fails to render obvious Claims 6, 15, and 30.

CLAIMS 7 and 16

Claims 7 and 16 require that for a symbol to stop in the pre-determined location (freeze frame) a player must use the stop and time it appropriately so that a symbol will stop in the appropriate location. The player cannot allow the machine to play the game. This is described in the application on page 18, lines 19-24. The Examiner reasons that fixed symbols are constrained to stop outside of the pre-determined location at the expiration of a fixed amount of time unless a player has used the means to stop within the fixed amount of time determined by the time of the stop of the reel. (Referring to Sakamoto 1:61-2:9). The referenced part of Sakamoto does not describe that symbols are constrained to stop outside of the pre-determined location unless stopped thereby a player. In fact, it is clear in both Sakamoto and in Nolte, a player plays the game whenever he or she initiates the start of the rotation of the cylinders. Both Sakamoto and Nolte diverge from the current invention. In Nolte the reels continue to rotate until the stop buttons are pressed. In Sakamoto the stop instructions may be generated by a player but are not necessarily generated by a player (Sakamoto, Column 3, lines 33-35). As is argued before, this feature of the current invention enhances the skill required to play the game successfully. One cannot allow the machine to play the game. Additionally, Nolte teaches away from a time out and the stopping of the rotation of the cylinders. In Nolte the cylinders continue to rotate until stop instructions is generated (Nolte 11:1-4).

CLAIMS 8 and 9

Claims 8 and 9 stand or fall on the patentability of Claim 7.

CLAIMS 17, 18, and 19

Claims 17, 18, and 19 take advantage of the capabilities of an electronic game to shuffle the symbols on a reel. While a shuffle may be necessary in the skill based game is described for a shuffle (Claim 17) on page 23, lines 1-13. Why it is important that no more than two of any symbol be in succession on a reel (Claim 18) is described in the application on page 24, lines 5-11. Claim 19 addresses the frequency of the shuffle. This is described on page 23, lines 1-13 and more specifically lines 6-13.

Referring to Claim 17, the Examiner states that Nolte shows: "Means for shuffling constrained to operate only between games and not during the play of a game (Column 1, lines 54-48 and Column 6, lines 41-45)." These portions of Nolte do not described the means for shuffling the symbols on a reel during a period of a session of play of the game. In fact, what Nolte says is that the images presented to the operator in each grid of the matrix: "... is fixed except during reprogramming of the entire machine." (Nolte, Column 1, lines 57-58). Thus, this statement of Nolte teaches away from the shuffling which is performed during the Applicant's invention as part of the programming in order to increase the challenge for a skillful player during a period or session of repeated plays of the game and does not render Claim 17 obvious.

Likewise, for Claim 18, the Examiner references portions of Nolte (Master Iconic Database Table, Partial Randomized Iconic Database Table (A and B) and Proposal One). Again, reviewing these materials of Nolte does not show that they constrain the shuffling function so that no more than any two of a symbol will be on succession on a reel. Simply put, Nolte does not say what the Examiner claims Nolte says and does not render Claim 18 obvious.

Referring to Claim 19, the Examiner cites Nolte, Column 14, lines 38-45. However, here this section of the Nolte patent emphasizes the difference between the Nolte reference and the

Applicant's invention. The Nolte reference increases the time delay built into the Nolte machine, which makes it impossible for a player to visually perceive a symbol and press a stop button to stop that visually perceived symbol in a winning location. The Nolte game does not involve the reflexes of a player at all. Thus, the Nolte reference is to increase the time delay between the time the stop button is pressed and the time the rotation of the reels actually stop. Because success in the Nolte game does not depend on the reflexes of the player, it cannot suggest a reason why shuffling of the symbols would be important. Indeed, it is clear from Nolte, as was argued for Claim 17, that shuffling of the symbols is prohibited in Nolte without reprogramming the entire machine. Consequently, rather than holding Claim 19 is obvious, Nolte teaches away from the current invention and nothing in Nolte can hold Claim 19 obvious.

CLAIMS 20 to 25

Claims 20 to 25 were deemed allowable by the Examiner should they be amended to add all the limitations of the intervening base claims.

CLAIM 31

Claim 31 is a method claim directed toward the apparatus of Claim 17. The arguments made in favor of Claim 17 above are incorporated by reference herein but will not be repeated for the sake of brevity.

CLAIMS 32, 33, 34, and 35

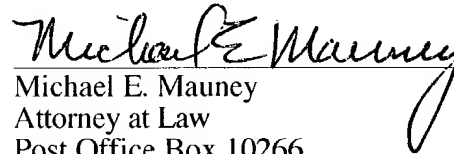
Claims 32, 33, 34, and 35 are directed toward a special bonus table play. These method claims correspond to the apparatus Claims 23, 24, and 25, which are indicated as allowable by the Examiner. However, the Examiner offers no specific reason why Claims 32-35 were not considered allowable, but simply states that: "Claims 28-35 correspond in scope to a method set forth for use of the video based apparatus listed in the claims above and are encompassed by use as set forth in the rejection above." The Applicant respectfully traverses this conclusion of the Examiner, because that Claims 32-35 correspond to Claims 23, 24, and 25, which were indicated as allowable by the Examiner. Because the Examiner set forth no separate grounds for rejecting these method claims while allowing the apparatus claims, the Applicant cannot respond to any specific objections of the

Examiner except by incorporating reference herein all arguments made in favor of previous claims.

CONCLUSION

The Applicant, Thomas S. Abbott, has fully answered each rejection of the claims at issue in this Appeal. All claims are in a condition for allowance. The Applicant respectfully requests the Board reverse the rejections of Claims 1-19 and 26-35, thereby allowing all claims to pass to issue.

This the 11 day of Nov., 2004.


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APPENDIX - CLAIMS

1. A rotating reel based game apparatus requiring patience, skill, knowledge, and concentration to play well comprising:

- (a) a plurality of reels;
- (b) a plurality of predetermined fixed symbols, with said symbols randomly distributed on each of said reels;
- (c) means for displaying a portion of said reels to a player so that for each of said reels at least two full symbols of said symbols on each of said reels may be visually perceived by said player;
- (d) means for rotating each of said reels;
- (e) a player controlled stop for each of said reels so that under the control of a player said rotation of said reels may be effectively immediately stopped;
- (f) a predetermined location within said portion of said reels that is displayed to said player;
- (g) means for determining if a symbol of said two full symbols visually perceived by said player of said plurality of fixed symbols on each of said reels is stopped within said predetermined location;
- (h) a results table to determine the outcome of the play of said game based on whether said player has timed the operation of said stops whereby at least one of said predetermined fixed symbols is stopped within one of said predetermined locations;

whereby said player plays said rotating reel based game by initiating means for rotating each of said reels then using said player controlled stops for each of said reels to attempt to stop said symbol of said two full symbols within said predetermined location according to said results table to maximize the results for said player.

2. A rotating reel based game apparatus requiring patience, skill, knowledge, and concentration to play well of Claim 1 wherein said means for rotating each of said reels rotates said reels at a rotational speed so that said player has a time interval at least one-tenth of a second to use said player controlled stop to stop the rotation of the reels whereby the player may control if a symbol of

said two full symbols visually perceived by said player of said plurality of said fixed symbols is stopped within said predetermined location.

3. A rotating reel based game apparatus requiring patience, skill, knowledge, and concentration to play well of Claim 2 wherein a bonus window randomly displays one of said plurality of predetermined fixed symbols, said display occurring prior to initiating said means for rotating each of said reels, and said results table to increase results based on whether said player has timed the operation of said player controlled stops whereby a symbol of said two full symbols visually perceived by said player is stopped within one of said predetermined locations for said plurality of reels by said player that matches said symbol displayed in said bonus window whereby said player uses said player controlled stops to attempt to stop in said predetermined location symbols matching said symbol displayed in said bonus window to obtain increased results thereby.

4. A rotating reel based game apparatus requiring patience, skill, knowledge, and concentration to play well of Claim 3 wherein the same total number of said plurality of pre determined fixed symbols are randomly distributed on each of said plurality of fixed reels.

5. A rotating reel based game apparatus requiring patience, skill, knowledge, and concentration to play well of Claim 4 wherein said plurality of predetermined fixed symbols is a fixed amount and a fixed multiple number of said fixed amount of symbols is randomly distributed on each of said reels whereby for each individual symbol each reel will have that said multiple number of said individual symbol displayed on said reel so that no symbol appears more or less frequently than any other symbol on said reel whereby said player can use concentration and memory to anticipate the order of symbols on said reels maximizing player's opportunity to activate said stops within said time interval according to said results table.

6. A rotating reel based game apparatus requiring patience, skill, knowledge, and concentration to play well of Claim 5 further comprising a timer so that when game is started by initiating said means for rotation of said reels to begin game that said player has a fixed amount of time to operate

said player controlled stop for each of said reels.

7. A rotating reel based game apparatus requiring patience, skill, knowledge, and concentration to play well of Claim 6 wherein said symbols are constrained to stop outside of said predetermined location at expiration of said fixed amount of time unless player has used said player controlled stop within said fixed amount of time determined by said timer to stop said reel whereby a player must use said player controlled stop within said fixed amount of time to stop at least one of said predetermined fixed symbols within said predetermined location to obtain favorable results from said result table thereby requiring skill from a player to be successful in play of said game.

8. A rotating reel based game apparatus requiring patience, skill, knowledge, and concentration to play well of Claim 7 wherein if a player is successful in stopping a predetermined number of said two full symbols visually perceived by said player of said symbols displayed in said bonus window in said predetermined location, then player is awarded by a special bonus table.

9. A rotating reel based game apparatus requiring patience, skill, knowledge, and concentration to play well of Claim 8 further comprising a game counter to record how many games have been played.

10. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well comprising:

- (a) means for displaying to a player on a video screen a plurality of reels;
- (b) means to make said means for displaying said plurality of reels to appear to rotate said reels by successively projecting on said video screen images of a reel at differing locations on said video screen;
- (c) means for displaying on each of said reels a plurality of full symbols visually perceived by a player of predetermined fixed symbols;
- (d) for each of said plurality of reels, means to effectively immediately stop said apparent rotation of said reel, said means to stop controlled by said player;
- (e) means for determining whether player has used said means to stop so that at least

one of said plurality of full symbols visually perceived by a player of said predetermined fixed symbols is stopped within a predetermined location on said video screen;

- (f) means for determining results of said play of game based on whether said player used said means to stop whereby at least one of said plurality of full symbols of said predetermined fixed symbols is stopped within one of said predetermined locations.

11. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 10 wherein said means to stop allows a player at least one-tenth of a second to use said means to stop at least one of said plurality of full symbols visually perceived by a player of said predetermined fixed symbols within said predetermined location on said video screen.

12. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 11 further comprising a means for displaying a bonus symbol to a player, said bonus symbol one of said plurality of said predetermined fixed symbols, with said bonus symbol display occurring randomly prior to activating said means for displaying to a player on a video screen a plurality of reels, and said means for determining results of said play providing increased results based on whether a symbol of said plurality of full symbols visually perceived by a player matching said bonus symbol is stopped within one of said predetermined locations by said player.

13. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 12 wherein each of said plurality of said reels has the same total number of said plurality of predetermined fixed symbols.

14. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 13 wherein said plurality of predetermined fixed symbols is a fixed amount, and a fixed multiple number of said fixed amount of

predetermined fixed symbols is randomly distributed on each of said reels, whereby each reel will have for each individual symbol that fixed multiple number of said individual symbols displayed on said reel whereby no symbol appears more or less frequently than any other symbol on said reel.

15. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 14 which further comprises a timer so that when said means for displaying a plurality of reels begins to operate, said player has a fixed amount of time to operate said means to stop.

16. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 15 wherein said fixed symbols are constrained to stop outside of said predetermined location at expiration of said fixed amount of time unless player has used said means to stop within said fixed amount of time determined by said timer to stop said reel.

17. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 16 that further comprises means for shuffling said random distribution of said symbols on each of said reels, said means for shuffling constrained to operate only between games and not during play of a game.

18. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 17 wherein said means for shuffling is constrained so that no more than two of any same symbol will be in succession on a reel but where said symbols are otherwise randomly distributed on each of said reels.

19. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 18 wherein said means for shuffling is constrained to operate after a predetermined number of games has been played.

20. An electronic video based apparatus for simulating a rotating reel game that requires

patience, skill, knowledge, and concentration to play well of Claim 19 wherein a said fixed amount of time determined by said timer expires without a player using means to stop said reels, then said means for shuffling is activated for each of said reels but said symbol displayed in said bonus symbol remains the same until player uses said means to stop said apparent rotation of said reel.

21. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 20 wherein if a player is successful in using said means to stop a predetermined number of said fixed symbols of said plurality of full symbols visually perceived by a player matching said bonus symbol in said predetermined location, then player is awarded by a special bonus table.

22. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 21 further comprising a game counter to record how many games have been played.

23. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 20 wherein if a player is successful using said means to stop so that a predetermined number of fixed symbols of said plurality of full symbols visually perceived by a player matching said bonus symbols are stopped in said predetermined location, then player enters a bonus round, said bonus round comprising a bonus round display on said video screen, said bonus round display further comprising a plurality of flashing symbols, each of said flashing symbols containing a number, each of said numbers different in each of said flashing symbols and wherein there is a second means to stop that is used to stop said flashing of said symbols whereby a player receives a reward multiplied by said number appearing in said flashing symbol stopped by said player using said second means to stop.

24. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 23 wherein said second means to stop allows a player at least one-tenth of a second to signal a stop of said flashing bonus symbols.

25. An electronic video based apparatus for simulating a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 24 wherein said means to stop allows a player at least two-tenths of a second to stop at least one of said pre determined fixed symbols of said plurality of full symbols visually perceived by a player within said predetermined location on said video screen.

26. A method for playing a rotating reel game that requires patience, skill, knowledge, and concentration to play well comprising:

- (a) providing a plurality of reels;
- (b) providing a means to make said reels appear to rotate;
- (c) providing a means for displaying on each of said reels a plurality of full symbols visually perceived by a player of predetermined fixed symbols;
- (d) providing a means for a player to effectively immediately stop said apparent rotation of said reel;
- (e) providing a means for determining if a player has used said means to stop so that at least one of said plurality of full symbols visually perceived by a player of said predetermined fixed symbols is stopped within a predetermined location on said means for displaying;
- (f) providing a means for determining results of said play of said game based on whether said player has used means to stop whereby at least one of said plurality of full symbols visually perceived by a player of said predetermined fixed symbols is stopped within one of said predetermined locations.

27. A method for playing a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 26 further comprising providing at least one-tenth of a second for a player to use said means to stop at least one of said plurality of full symbols visually perceived by a player of said predetermined fixed symbols within one of said predetermined locations.

28. A method for playing a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 27 further comprising providing a means for displaying a bonus

symbol to a player, said bonus symbol one of said plurality of said pre determined fixed symbols with said bonus symbol display occurring randomly prior to activating said means for displaying to a player a plurality of reels and said means for determining results of said play providing increased results based on whether a symbol of said plurality of full symbols matching said bonus symbol is stopped within one of said predetermined locations by said player, each of said reels of said plurality of reels is provided with the same total number of said plurality of predetermined fixed symbols.

29. A method for playing a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 28 wherein each of said reels is provided with a fixed multiple number of a fixed amount of said predetermined fixed symbols whereby each of said reels will be provided with the same fixed multiple number of said individual symbols displayed on said reel so that no symbol appears more or less frequently than any other symbol on said reel.

30. A method for playing a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 29 which further comprises providing a timer so that said player has a fixed amount of time to operate said means to stop.

31. A method for playing a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 30 further providing a means for shuffling said random distribution of said symbols on said reel, said means for shuffling constrained to operate only between games and not during play of a game.

32. A method for playing a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 31 further comprising providing a special bonus table wherein if a player is successful in using said means to stop a predetermined number of said fixed symbols of said plurality of full symbols visually perceived by a player matching said bonus symbol in said predetermined locations then player is awarded by said bonus table.

33. A method for playing a rotating reel game that requires patience, skill, knowledge, and

concentration to play well of Claim 32 of providing a bonus round conditioned upon a player successfully using said means to stop a predetermined number of fixed symbols matching said bonus symbols in said predetermined location, said bonus round further comprising providing a bonus display, said bonus round display comprising a plurality of flashing symbols, each of said flashing symbols containing a number, each of said numbers different in each of said flashing symbols and a second means to stop is used to stop flashing of said symbols whereby a player receives a reward multiplied by said number appearing in said flashing symbols stopped by said player using said second means to stop.

34. A method for playing a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 33 wherein a player is provided at least one-tenth of a second to use said second means to stop said flashing bonus symbols.

35. A method for playing a rotating reel game that requires patience, skill, knowledge, and concentration to play well of Claim 34 wherein a player is provided at least two-tenths of a second to use said means to stop at least one of said predetermined fixed symbols of said plurality of full symbols visually perceived by a player within said predetermined location.

CERTIFICATE OF SERVICE

I, Michael E. Mauney, do hereby certify that a copy of the foregoing Brief and Appendix has this day been duly served upon:

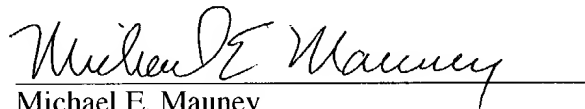
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() By handing such copy to the aforementioned attorney, or by leaving said copy at the above mentioned attorney's office with a partner or employee of his office.

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This the 11 day of Nov., 2004.



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